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FILED ENTERED
LODGED RECEIVED
FEB 28 2005
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

February 28, 2005

VIA HAND DELIVERY

Lowell Williamson
United States District Court
Western District of Washington
304 U.S. Courthouse
Seattle WA 98104

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04-CV-02338-PRO

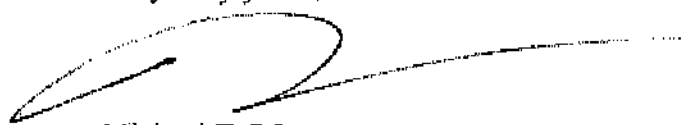
RE: *Fleming v. Mormon Church*

Dear Mr. Williamson:

The February 17th, 2005 Order setting trial date requires that we notify you of an irreconcilable conflict with the March 6th, 2006 jury trial date set in the above-referenced matter. Both of the plaintiffs' lawyers in this case, myself and Timothy D. Kosnoff, have another trial set in State court that same day. Enclosed please find the scheduling order in the matter of *JOA v. Boy Scouts of America* in the Pierce County Superior Court.

Plaintiffs' attorneys are both available during the second two weeks of January, 2006, all of February, and the entire month of April 2006, to attend trial in this matter. We hope that the Court and the other counsel are available to try this case during those time periods. If this adjustment creates a conflict, we ask that the Court set a telephonic status conference with Judge Martinez to discuss the adjustment in the trial date.

Very truly yours,



Michael T. Pfau

MTP:pml
Enclosure
cc: Marcus Nash (w/encl.)
Thomas Frey (w/encl.)

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY**

No. 04-2-10570-1

**ORDER AMENDING
CASE SCHEDULE**

Plaintiff(s)

vs.

BOY SCOUTS OF AMERICA

Defendant(s)

Type of Case: PIN

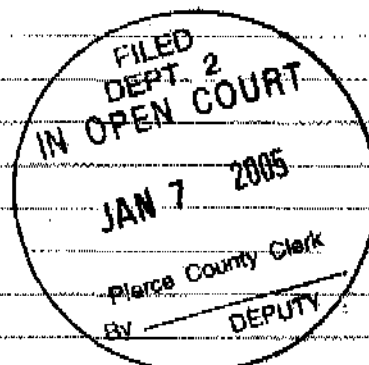
Estimated Trial (days): 10

Track Assignment: Standard

Assigned Department: 02 - Judge KATHERINE M. STOLZ

Docket Code: ORACS

Confirmation of Service	04/04/05
Confirmation of Joinder of Parties, Claims and Defenses	07/04/05
Jury Demand	07/11/05
Obtain Settlement Conf Judge/Comm from Commissioners' Services (See PCLR 3(c) 2(b) & 94.04 (f))	Week Of 08/01/05
Status Conference (Contact Court for Specific Date)	Week Of 08/01/05
Plaintiff's Disclosure of Primary Witnesses	08/29/05
Defendant's Disclosure of Primary Witnesses	09/26/05
Disclosure of Rebuttal Witnesses	11/14/05
Deadline for Filing Motion to Adjust Trial Date	12/12/05
Discovery Cutoff	01/16/06
Exchange of Witness and Exhibit Lists and Documentary Exhibits	01/30/06
Line for Hearing Dispositive Pretrial Motions	02/06/06
Settlement Conference (Contact Court for Specific Date)	Week Of 02/06/06
Joint Statement of Evidence	02/06/06
Pretrial Conference (Contact Court for Specific Date)	Week Of 02/20/06
Trial	03/06/06 9:30



Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 AM on the date of trial.

NOTICE TO PLAINTIFF/PETITIONER

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition. Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first response/appearance. If the case has not been filed, but an initial pleading is served, the Case Schedule shall be served within five (5) court days of filing. See PCLR 1.

NOTICE TO ALL PARTIES

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 1 does not apply while the case is in arbitration.

DATED: 1/7/05

Judge Katherine M. Stolz
Department 02 (253) 798-7573